



Information Governance 101

Presented by:

Sara Anne Hook, M.B.A., J.D.

Indiana University

Abstract

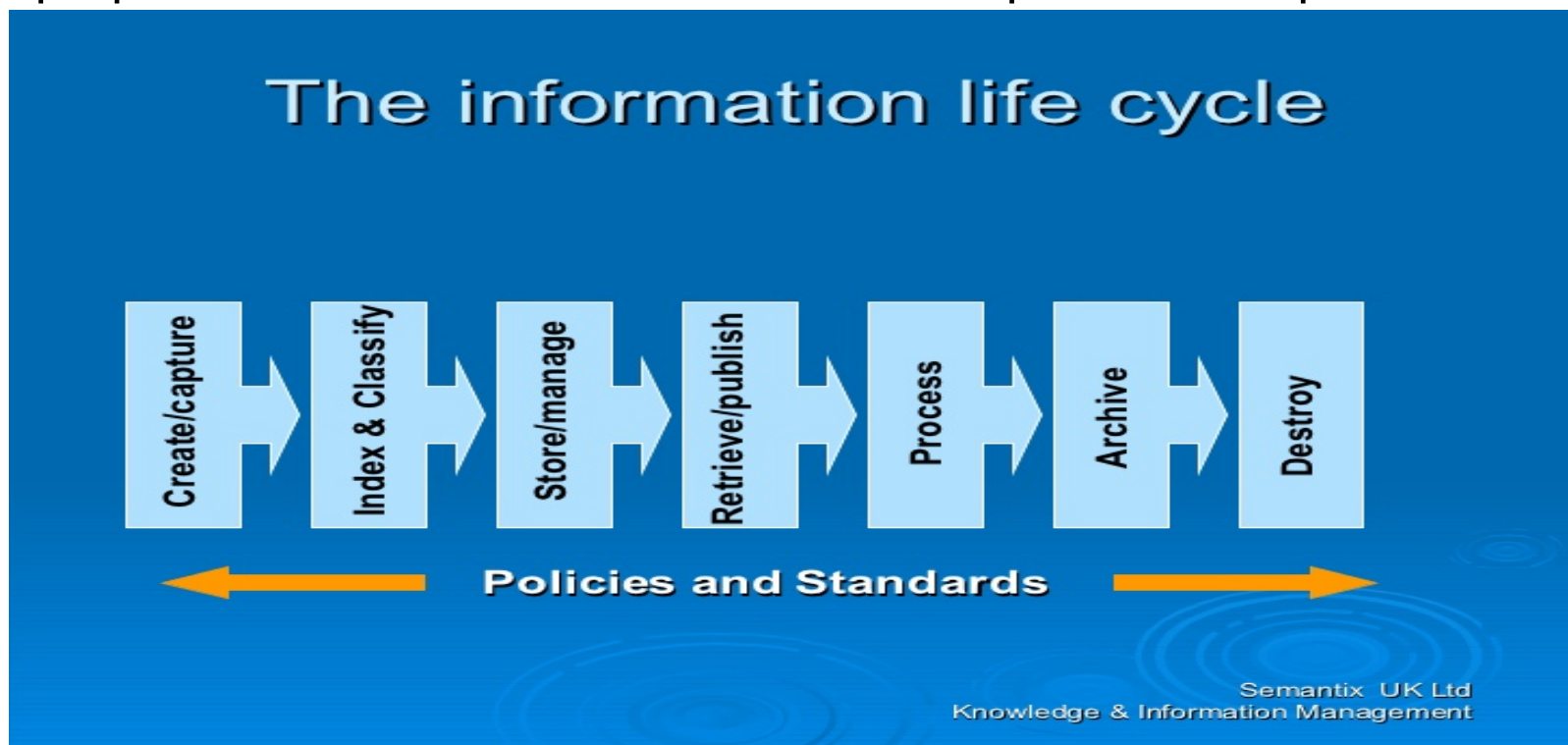
- This informative and engaging session will cover the emerging field of Information Governance (IG) and why it is important for law firms and their clients.
- The prediction is that the need for information governance professionals will increase in the future as organizations of all types recognize their information as a strategic asset that needs to be managed properly and yet there are not enough professionals with IG expertise available.
- The presenter helped to develop an online, full-semester course in Information Governance in Fall semester 2015 and she will be offering this course again for the Indiana University School of Informatics and Computing in Fall semester 2017.
- Among her other teaching and research interests are cybersecurity and electronic discovery, which are intimately interwoven with information governance.

What is Information Governance (IG)?

- Information governance (IG) has been defined as the set of multi-disciplinary structures, policies, procedures, processes and controls implemented to manage information at an enterprise level, supporting an organization's immediate and future regulatory, legal, risk, environmental and operational requirements.
- Law firms increase their efficiency and reduce costs and risks by using appropriate information governance strategies
- Advising clients on information governance can also be a practice builder because many clients are woefully deficient in their approaches to information governance.
- Companies and organization are recognizing that in the era of big data and data analytics, their information is an asset that needs to be handled properly and protected (security and privacy).

The Information Lifecycle and IG

- Information governance recognizes that information has a lifecycle and thus information governance plans typically include the preparation of a retention and destruction policies and procedures.



The Information Lifecycle and IG

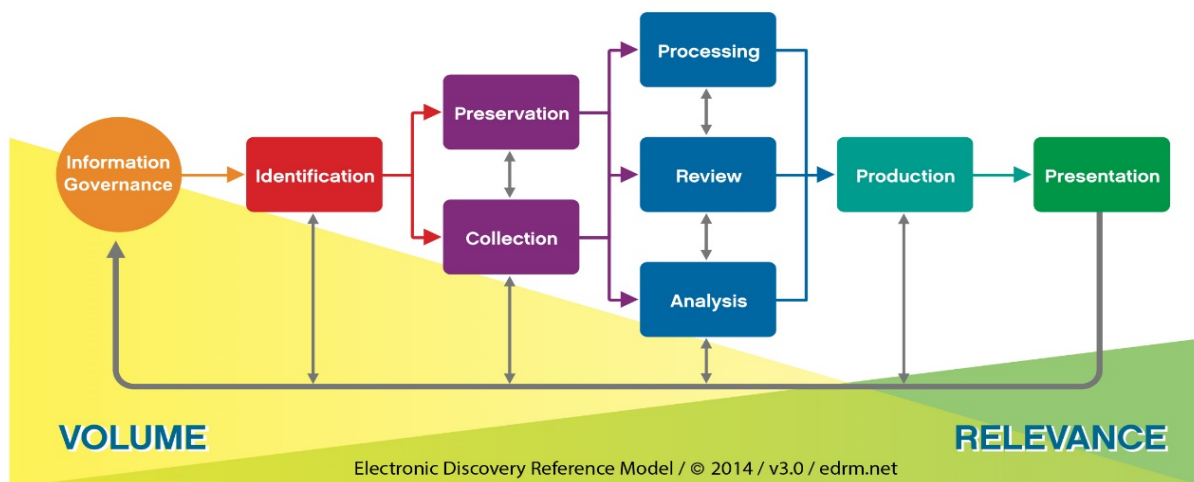


Although this model includes business continuity and disaster recovery, it does not have a step for proper disposal/destruction.

What is Information Governance (IG)?

- Information governance is the first stage of an electronic discovery process, per the Electronic Discovery Reference Model (EDRM).
- Clients whose information/data is properly organized will be better prepared for e-discovery, which is particularly important with the shortened timelines under the amended Federal Rules of Civil Procedure.

Electronic Discovery Reference Model



Information Governance and the FRCP Amendments

- For insights on how the December 2015 amendments to the Federal Rules of Civil Procedure impact best practices for information governance, see J.P. Baron, *IG and the New Rules: How do the New FRCP Amendments Affect Info Gov Best Practices?* LTN, December 2015.

What is Information Governance (IG)?

- As indicated on the AHIMA website:
 - Complementary to the traditional approach and practices of health information management (HIM), which is bottom up, information governance ensures that information is trustworthy and actionable through alignment with organizational strategy and engagement of senior leaders and important stakeholders across the enterprise. In an increasingly connected world, this extends outside the proverbial four walls of an organization to make sure that information is available in the right place and the right time to support health and healthcare.
<http://www.ahima.org/topics/infogovernance/igbasics?tabid=overview>, accessed 6/19/17.

What is Information Governance (IG)?

- Information governance attempts to find the balance point between two potentially divergent organizational goals: extracting value from information and reducing the potential risk posed by information.
- An organization that can establish a consistent and logical framework for handling information properly through its governance policies and procedures has a strategic advantage in the marketplace.
- IG is an emerging multidisciplinary field which straddles four domains: information management, information security, information law and ethics and information economics.
- However, proper information governance should be viewed as proactive rather than reactive.

What is Information Governance (IG)?

- As indicated on the EDRM website, getting your electronic house in order to mitigate risk & expenses should e-discovery become an issue, from initial creation of ESI (electronically stored information) through its final disposition. (<http://www.edrm.net/frameworks-and-standards/edrm-model/>)
- Biederman and Burke (*The Indiana Lawyer*, May 18, 2016) assert that quality ESI governance is a good strategy.
- As indicated in the article, many companies keep too much and use too little of their electronically stored information (ESI).
- A recent study by AIIM and Iron Mountain indicates that companies, on average, estimate that only 42 percent of ESI is useful, meaning that the remaining 58 percent is useless.
- “Good information governance entails creating processes by which companies can reduce the amount of unnecessary data they keep while using the remainder more efficiently.”

What is Information Governance (IG)?

- As they define it, information governance “consists of a set of interwoven policies carefully designed to help companies defensibly and responsibly reduce the amount of their useless data while being mindful of their regulatory and business requirements to keep data for specified periods of time.”
- Per the ALLM survey, only 10 percent of the companies surveyed have comprehensive information governance policies in place that are respected and are actually enforced.
- The study confirmed that one of the biggest risks of poor information governance is excess litigation costs or damages.
- “A company’s failure to properly implement and utilize meaningful information governance policies can cost resources and money if the company becomes involved in a lawsuit.”
- Processing and reviewing one gigabyte of data can exceed \$3,500.

What is Information Governance (IG)?

- Additional benefits that Biederman and Burke identify because of good information governance are:
 - Lower business costs
 - Better efficiency
 - Better security
 - Protection from spoliation and sanctions
 - Avoids costs of processing and review of useless ESI, saving litigation resources for important discovery issues rather than paying vendors
 - Spares embarrassment in the document collection, document review and/or deposition process (such as avoiding an employee using work mail for personal purposes)

Information Governance versus Data Governance

- **Data Governance** is typically an IT owned responsibility and should account for all aspects of the data – both structured and unstructured – as it relates to information storage and movement.
- Common areas involved in data governance include data security, data lineage, service levels, master data management (MDM) and data loss prevention.

Information Governance versus Data Governance

- **Information Governance (IG)** on the other hand is typically a business or compliance/legal driven approach to managing and controlling how all enterprise content is used, retained and destroyed.
- On a much more practical level, the Information Governance Initiative (IGI) defines IG as “the activities and technologies that organizations employ to maximize the value of their information while minimizing associated risks and costs.”

Information Governance versus Data Governance

- Including both unstructured and structured data as well, typical IG strategies and initiatives include:
 - Categorization
 - Information lifecycle
 - Definition of use
 - Information access
 - Audit and e-discovery
 - Defensible disposition

Many Organizations Provide Resources for Information Governance

- International Legal Technology Association (ILTA): White papers, webinars, conferences, etc. - <http://www.iltanet.org/home>, accessed 6/19/17.
- AHIMA/CAHIIM – Health Information Management professionals - <http://www.ahima.org/topics/infogovernance>, accessed 6/19/17.
- ARMA International, including its Generally Accepted Recordkeeping Principles®, the Information Governance Maturity Model and the Next Level Information Governance Assessment Tool - <http://www.arma.org/>, accessed 6/19/17.
- Robert F. Smallwood. *Information Governance: Concepts, Strategies, and Best Practices*, Wiley, 2014 and his other publications, with a forthcoming book *Information Governance for Healthcare Professionals*, due in mid-2017 - <https://www.linkedin.com/in/robertfsmallwood>, accessed 6/19/17.

Smallwood's Book Indicates What Needs to be Covered in Information Governance

- Information risk management and planning
- Strategic planning and best practices
- Information governance policy development
- Business considerations
- Legal functions (including electronic discovery)
- Records and management functions
- Information technology functions
- Privacy and security functions
- Information governance for delivery platforms – email, instant messaging, social media, mobile devices, cloud computing, SharePoint
- Long-term digital preservation
- Maintaining an IG program and a culture of compliance.

Information Governance Reference Model (IGRM)

- The **Information Governance Reference Model (IGRM)** project started from a groundswell of interest by EDRM members and non-members alike in having a model that would frame the discussion of information management, in the same way the Electronic Discovery Reference Model has shaped our view of e-discovery.
<http://www.edrm.net/frameworks-and-standards/information-governance-reference-model/>, accessed 6/19/17.
- Starting from the outside of the diagram, successful information governance is about conceiving a complex set of interoperable processes, and implementing the procedures and structural elements to put them into practice. It requires:
 - An understanding of the business imperatives of the enterprise,
 - Knowledge of the appropriate tools and infrastructure for managing information, and
 - Sensitivity to the legal and regulatory obligations with which the enterprise must comply.

Information Governance Reference Model (IGRM)

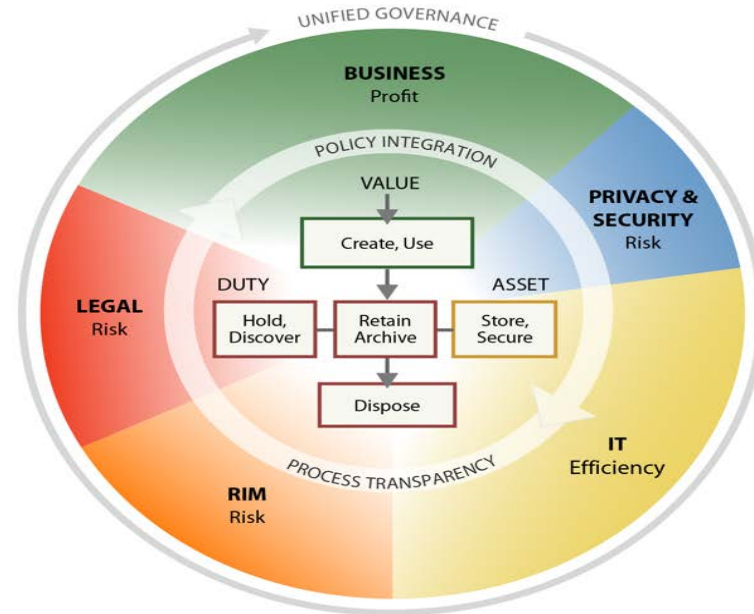
- In the center of the proposed diagram is a workflow, or lifecycle diagram.
 - We include this component in the diagram to illustrate the fact that information management is important at all stages of the information lifecycle – from its creation through its ultimate disposition.
 - This part of the diagram, once further developed, along with other secondary level diagrams, will outline concrete, actionable steps that organizations can take in implementing information management programs.
 - Even the most primitive business creates information in the course of daily operations, and IT departments spring up to manage the logistics – indeed, one of the biggest challenges in modern organizations is trying to stop individuals from excess storing and securing of information.
 - Intended to be a responsibility model rather than a document or lifecycle model.

Information Governance Reference Model (IGRM)

- Stakeholders identified in the development of the IGRM are:
 - Business users who need information to operate the organization,
 - IT departments who must implement the mechanics of information management, and
 - Legal, risk, and regulatory departments who understand the organization's duty to preserve information beyond its immediate business value.
- As indicated on the IGRM website, “it takes the coordinated effort of all three groups to defensibly dispose of a piece of information that has outlived its usefulness, and retain what IS useful in a way that enables accessibility and usability for the business user.”

Information Governance Reference Model (IGRM)

Information Governance Reference Model (IGRM)
Linking duty + value to information asset = efficient, effective management



Duty: Legal obligation for specific information

Value: Utility or business purpose of specific information

Asset: Specific container of information

Information Governance Reference Model / © 2012 / v3.0 / edrm.net

Your City. Your Profession.
Your Bar Association.



ARMA International's Generally Accepted Recordkeeping Principles ®

- Principle of Accountability
- Principle of Integrity
- Principle of Protection
- Principle of Compliance
- Principle of Availability
- Principle of Retention
- Principle of Disposition
- Principle of Transparency

As indicated in the Preamble, this means that information governance and records management must be objective processes, fully insulated from individual, organizational, political or other biases, conducted through robust and repeatable processes and protected with suitable controls.

ARMA International's Generally Accepted Recordkeeping Principles ®

- Note how many subsections within the Principles support litigation readiness and help to ensure an effective, efficient and timely e-discovery process.
- ARMA International observes that the Principles are essential for administrators and executive management, legislators, information management professionals and information workers.
- As noted in the introduction, “[t]he Maturity Model goes beyond mere restatement of the Principles, defining the characteristics of information governance programs at differing levels of maturity, completeness and effectiveness.”

ARMA International's Information Governance Maturity Model

- A matrix that allows an organization to assess the maturity of its performance on each of the ARMA Principles ® based on five levels: sub-standard, in development, essential, proactive or transformational.
- The Maturity Model is very easy to apply and the levels indicate where improvements can be made.
- For example, a rating of Level I (sub-standard) on the Principle of Accountability would be indicated by:
 - No senior executive (or person of comparable authority) is responsible for records or information.
 - The records manager role is largely non-existent, or it is an administrative and/or clerical role distributed among general staff.
 - Information assets are managed in a disparate fashion or not at all.

Exciting New Opportunity

- Next Level Information Governance Assessment - <http://nextlevel.arma.org/>, accessed 6/19/17.
- According to the website, “this unbiased, comprehensive assessment is based on the fundamental best practices of the Generally Accepted Recordkeeping Principles®. The goal of our software platform is simple: to identify, monitor and measure information risks, which enables your organization to establish baselines, set benchmarks and drive improvements.”
- You can watch a video and request a demo to see the assessment in action.

Records Retention and Destruction

- A key element of an information governance program.
- Recognizes the lifecycle of information.
- Policies and procedures incorporate the time periods that information needs to be kept for: legal, regulatory, industry conventions, best practices, archival, etc.
- Policies and procedures for proper disposal/destruction using one of the recognized methods for this.
- Difficult with BYOD.
- Employee training, monitoring and consequences for not following policies and procedures.
- Employees will often deliberately retain things, often on personal devices or email.

Law Firm Information Governance (IG)

- As indicated by Kasha and Sternick, law firms are often asked to respond and even commit to information governance standards dictated by clients. (Reinforce Risk Management, *Peer to Peer*, Spring 2017, p. 78.)
- Any gaps in or exceptions to expected security need to be investigated and rectified as quickly as possible.
- IT should be integrated into the risk management function.
- Equally important is the development of sensible retention policies for client and matter information.
 - Excise data that no longer have a business use
 - Control the sharing of information outside the firm.
 - Limit access to information to only what is necessary for a particular user.

Law Firm-Focused Resources for Information Governance

- S. Monahan: Legal Ethics and Information Governance, *ILTA White Paper*, April 2015, pp. 19-23.
- L. R. Nemchek, The Maturation of RIM into IG in Law Firms. *ILTA White Paper*, April 2015, pp. 32-34.
- G. Glass and C. Sweeney, Four Principles of Responsible E-Discovery Data Management, *ILTA White Paper*, May 2015, pp. 12-18.
- Create Sustainable Cost Containment for Information Governance Initiatives, ILTA webinar, <http://www.iltanet.org/viewdocument/07-28-16-webinar-rec>

Client-Focused Resources for Information Governance

- L.J. Berry-Tayman, Are You the Weak Link in Your Client's IG Program? *ILTA White Paper*, April 2015, pp. 28-30.
- J. Frazier and A.J. Diana, Outside Counsel's Role in Information Governance, *ILTA White Paper*, April 2015, pp. 24-27.
- G.E.J. Hoke and R. Ekwensi, The Whole is Greater Than the Sum of Its Parts with IG, *ILTA White Paper*, April 2015, pp. 7-12.
- Minimize Risk & Cost Exposure Through Information Governance, ILTA webinar, <http://www.iltanet.org/viewdocument/01-28-15-webinar-rec>
- What Do Clients Want from Information Governance?, ILTA webinar, <http://www.iltanet.org/viewdocument/01-13-15-webinar-rec-1>
- Information Governance 101, ILTA webinar, <http://www.iltanet.org/viewdocument/02-25-14-webinar-rec>

Any Questions?

- Thank you for attending today's seminar!
- Have a wonderful summer!



Speaker Contact Information

Sara Anne Hook, M.B.A., J.D.
Professor of Informatics/Human-Centered Computing

Indiana University
535 W. Michigan Street, IT 589
Indianapolis, Indiana 46202

sahook@iupui.edu

317-278-7690

<https://soic.iupui.edu/people/sara-hook/>

Stay connected and visit us online!



indybar.org



/indybar



@indybar



@indybar



Search for the IndyBar group

Your City. Your Profession.
Your Bar Association.



indybar
Indianapolis Bar Association